



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

Mailed: JAN 13 2004

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Paper No. _____

In re application of: :
Joe G. Rich, Sr. :
Serial No.: 09/950,091 : DECISION ON
Filed: September 10, 2001 : PETITION
For: ELECTROLYSIS FUEL CELL ENERGY PLANT :

This is a response to the PETITION TO REVIVE, filed March 08, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of February 02, 2004, for failure to timely file a proper response to the Office letter dated June 25, 2003 be withdrawn. The petitioner asserts that applicant timely filed a proper response to the Office letter of June 25, 2003 on September 25, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of June 25, 2003 in a timely manner. The evidence provided includes: (1) a copy of the Amendment transmitted via facsimile along with a Certificate of Transmission dated September 25, 2003; (2) a copy of Transmittal Form; and (3) a copy of the Confirmation Report from the Facsimile machine dated September 25, 2003.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application will be forwarded to the Technical Support Staff



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for entering of the Response dated September 25, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED.**



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